

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

DANIEL V. MARINO,

Plaintiff,

v.

USHER (a/k/a Usher Terry Raymond IV);  
SONY MUSIC ENTERTAINMENT; EMI  
APRIL MUSIC, INC.; EMI BLACKWOOD  
MUSIC, INC.; JAMES SAMUEL HARRIS III;  
TERRY STEVEN LEWIS; BOBBY ROSS  
AVILA, JR.; ISSIAH AVILA, JR.; WILLIAM  
C. GUICE; DANTE E. BARTON; DESTRO  
MUSIC PRODUCTIONS, INC.; DEFENDERS  
OF MUSIC; FLYTE TYME TUNES;  
SUBLIME BASEMENT TUNEZ; UR-IV  
MUSIC, INC.; WARNER-TAMERLANE  
PUBLISHING CORP.; MARK PITTS;  
BYSTORM ENTERTAINMENT; TOMMY  
VAN DELL; and IN2N ENTERTAINMENT  
GROUP, LLC,

Defendants.

11 Civ. 6811 (PSD)

BEFORE THE HONORABLE  
PAUL S. DIAMOND

**SUPPLEMENTAL DECLARATIONS OF MARK S. LEE AND LANCE S. ROGERS IN  
SUPPORT OF MOTION FOR COSTS**

**DECLARATION OF MARK S. LEE**

I, Mark S. Lee, declare:

1. I am an attorney admitted to practice before all of the courts of the State of California, before a number of federal courts, and *pro hac vice* before this Court. I am a member of the firm of Manatt, Phelps & Phillips, LLP (“Manatt”), one of the counsel of record for defendant IN2N Entertainment Group, LLC (“IN2N”), in this action. If called upon to testify to the matters stated herein, I would and could do so based upon my personal knowledge, except where otherwise indicated.

2. I submit this declaration in further support of the Defendants’ Motion for Costs Under Fed. R. Civ. P. 54 and 17 U.S.C. 505 (“Motion for Costs”).

3. On November 3, 2014, this Court granted IN2N’s Motion for Attorney’s Fees and Costs. (Doc. No. 195). The Court awarded IN2N \$366,800.00 in legal fees, but denied our request for costs without prejudice. (*Id.* at 8-9). The Court instructed that we improperly included certain costs, but permitted us to submit a supplemental request for costs allowed under 28 U.S.C. 1920. (*Id.* at 9).

4. As stated in the statute, recoverable costs under § 1920 are “(1) [f]ees of the clerk and marshal; (2) [f]ees for printed or electronically recorded transcripts necessarily obtained for use in the case; (3) [f]ees and disbursements for printing and witnesses; (4) [f]ees for exemplification and the costs of making copies of any materials where the copies are necessarily obtained for use in the case; (5) [d]ocket fees...; [and] (6) [c]ompensation of court appointed experts, compensation of interpreters, and salaries, fees, expenses, and costs of special interpretation services[.]” 28 U.S.C. § 1920; *see also* Doc. 195 at 8.

5. IN2N originally sought \$14,875.00 in costs as detailed in the invoices submitted with its original Motion for Attorney’s Fees and Costs. (*See* Doc. No. 176 at Exs. A and B). IN2N has reviewed those invoices, in addition to one additional invoice regarding deposition transcript costs, and has determined the appropriate amount of costs for which it believes it may

seek recovery under § 1920. (*See* “IN2N’S 28 USC § 1920 Costs,” attached as Ex. A; *see also* invoice for deposition transcript costs attached as Ex. B).

6. The costs requested consist of deposition transcript fees and copying expenses.

7. As the “prevailing parties” in this copyright action, IN2N requests, pursuant to Fed. R. Civ. P. 54, 17 U.S.C. § 505, and 28 U.S.C. § 1920, their costs in the aggregate amount of \$8,699.90.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 23rd day of January 2015, at Los Angeles, California.

/s/ Mark S. Lee

Mark S. Lee

# **EXHIBIT A**

## **IN2N'S 28 USC § 1920 COSTS**

Manatt and Rogers, IN2N's defense counsel, request taxable costs, pursuant to 28 USC § 1920, in the amount of \$ 8,699.90, as documented by invoices attached as Ex. A and B, respectively, to their original Motion For Attorney's Fees (Doc. No. 176) and Second Supp. Lee and Rogers' Decl. Ex. B. Taxable costs are documented in those exhibits as follows:

<b>Manatt's 28 USC § 1920 Costs</b>
-------------------------------------

<b>Date (Invoice #)</b>	<b>Amount</b>	<b>Description of Cost</b>
2/28/12 (196481)	\$ 36.20	Copying
4/12/12 (202776)	1.60	Copying
11/08/12 (225101)	1.00	Copying
2/14/13 (233624)	11.40	Copying
5/10/13 (243203)	73.70	Copying
5/10/13 (243203)	165.50	Copying
6/17/13 (246735)	3747.60	Transcript
7/19/13 (250245)	650.70	Transcript
11/08/13 (260921)	1638.50	Transcript
<b>TOTAL</b>	<b>6326.20</b>	

<b>Rogers' 28 USC § 1920 Costs</b>
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<b>Date (Invoice #)</b>	<b>Amount</b>	<b>Description of Cost</b>
4/04/12 (350)	\$ 40.00	Filing Fee
8/05/13 (752)	1344.60	Transcript
1/08/15 (72977)	989.10	Transcript
<b>TOTAL</b>	<b>2373.70</b>	

<b>GRAND TOTAL of Both Manatt and Rogers = \$ 8,699.90</b>
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# **EXHIBIT B**

Love Court Reporting, Inc.  
 2002 Sproul Road, Suite 100  
 Broomall, PA 19008  
 (610) 355-1948 (215) 568-5599

# Invoice

DATE	INVOICE #	DUE DATE
1/8/2015	72977	2/7/2015

BILL TO
Lance Rogers, Esquire Rogers Castor, LLC 26 East Athens Avenue Ardmore, PA 19003

SHIP TO

P.O. NUMBER	TERMS	SHIP	VIA	REP	Sales Rep
Melissa	Net 30	1/8/2015	UPS	SE	H

JOB DATE	QUANTITY	DESCRIPTION	AMOUNT
12/19/2014	259	Re: Daniel Marino vs. Usher, et al	
	1	Witness: Daniel Marino	
	119	Pages: Original and Copy certified transcript	945.35
		Condensed transcript	0.00
		Page(s) of Exhibit(s)	29.75
		Shipping and handling	14.00
		**Transcript was e-mailed 1/8/15.	
		Payment is NOT contingent upon client reimbursement.	

Please remit to above address.

**Total** \$989.10

FED TAX ID: 23-2999442 To Pay by Credit Card, please call our office or visit  
[www.lovecourtreporting.com](http://www.lovecourtreporting.com).

If placed for collection, collection/attorney fees, court costs, plus 18% interest per year will be charged.



**DECLARATION OF LANCE S. ROGERS**

I, Lance S. Rogers, declare:

1. I am an attorney admitted to practice before this Court. I am the founder and a member of the firm Rogers & Associates, LLC (“Rogers”), one of the counsel of record for defendant IN2N Entertainment Group, LLC (“IN2N”), in this action. If called upon to testify to the matters stated herein, I would and could do so based upon my personal knowledge, except where otherwise indicated.

2. Rogers is local counsel for Defendant IN2N in the above-captioned lawsuit. Defendant IN2N is also represented by Manatt, Phelps & Phillips, LLP of Los Angeles, California (the “Manatt Firm”). The Rogers Firm is a full-service law firm, handling legal matters of various type and size from its Ardmore, Pennsylvania, offices. The firm’s attorneys all have vast experience in litigation.

3. On November 3, 2014, this Court granted IN2N’s Motion for Attorney’s Fees and Costs. (Doc. No. 195). The Court awarded IN2N \$366,800.00 in legal fees, but denied our request for costs without prejudice. (*Id.* at 8-9). The Court instructed that we improperly included certain costs, but permitted us to submit a supplemental request for costs allowed under 28 U.S.C. 1920. (*Id.* at 9).

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6. The costs requested consist of deposition transcript fees, copying costs and filing fees.

7. As the “prevailing parties” in this copyright action, IN2N requests, pursuant to Fed. R. Civ. P. 54, 17 U.S.C. § 505, and 28 U.S.C. § 1920, their costs in the aggregate amount of \$8,699.90.

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Executed this 23rd day of January 2015, at Ardmore, Pennsylvania.

/s/ Lance Rogers

Lance Rogers

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